

**STANDARD APPLICATION**  
**Harford County**  
**Board of Appeals**  
Bel Air, Maryland 21014

JUN 1 2006

Case No. 5552  
Date Filed 6/7/06  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$450.00

Shaded Areas for Office Use Only

**Type of Application**

- ☐ Administrative Decision/Interpretation  
☐ Special Exception  
☐ Use Variance  
☐ Change/Extension of Non-Conforming Use  
☐ Minor Area Variance  
☒ Area Variance  
☐ Variance from Requirements of the Code  
☐ Zoning Map/Drafting Correction

**Nature of Request and Section(s) of Code** \_\_\_\_\_

CASE 5552 MAP 27 TYPE Variance ELECTION DISTRICT 05

LOCATION 1720 Trappe Church Road, Darlington 21034

BY Richard Hanna and Jennifer Mainster, 719 Chestnut Hill Road, Forest Hill 21050

Appealed because a variance pursuant to Sec. 267-34(C) Table II of the Harford County Code to permit an addition to encroach the 50' rear yard setback (24' setback proposed) in the AG District, requires approval by the Board.

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

**Applicant/Owner (please print or type)**

Name Richard Hanna Phone Number call attorney

Address 719 Chestnut Hill Road Forest Hill MD 21050  
Street Number Street City State Zip Code

Co-Applicant Jennifer Mainster Phone Number call attorney

Address 719 Chestnut Hill Road Forest Hill MD 21050  
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative Michael E. Leaf, Esquire Phone Number (410) 893-2333

Address 112 South Main Street, Suite 102 Bel Air MD 21014  
Street Number Street City State Zip Code

## Land Description

Address and Location of Property 1720 Trappe Church Road, Darlington, Maryland 21034

Subdivision \_\_\_\_\_

Lot Number \_\_\_\_\_

Acreage/Lot Size 1.41 acres ± Election District 5

Zoning Ag

Tax Map No. 27 Grid No. \_\_\_\_\_ Parcel 60 Water/Sewer: Private X Public \_\_\_\_\_

List ALL structures on property and current use: Two story stone and frame dwelling

Estimated time required to present case: 30 minutes

If this Appeal is in reference to a Building Permit, state number No

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes \_\_\_\_\_ No X

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes \_\_\_\_\_ No X

Is this request within one (1) mile of any incorporated town limits? Yes \_\_\_\_\_ No X

## Request

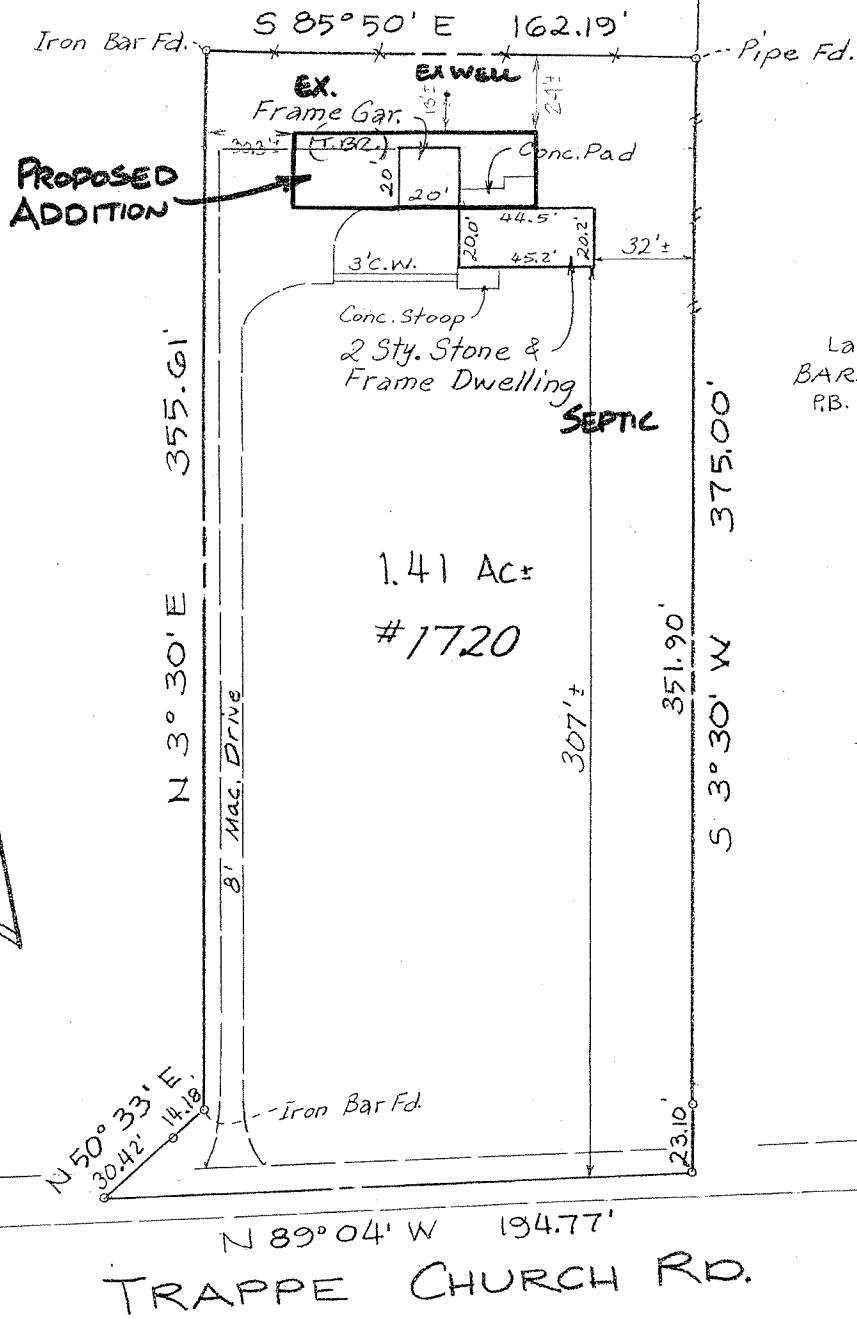
Variance from Table II to allow addition to house and garage to encroach within 50 feet rear yard setback; proposed setback will be approximately 24 feet.

## Justification

Due to unique location and structure which is over 150 years old, strict enforcement of setback would prevent construction of addition and garage. It is not practical to acquire adjoining property due to Ag Preservation Easement. Not feasible to construct elsewhere because of existing structure. Lot and structure predated 1957 zoning.

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*


BARBERRY LLC  
3461/602



①  
Land of  
BARBERRY  
P.B. 95-32

**FLOOD CERTIFICATION**

The lot shown hereon is outside the 500 year flood plain as shown  
on FIRM Map Community Panel No. 240 25C 0090 D

  
11-18-04  
**L. G. WOLFF ASSOCIATES, INC.**  
Land Surveying  
Planning \* Design  
10 West Pennsylvania Avenue  
Bel Air, Maryland 21014  
BEL AIR BALTIMORE  
410-838-0888 410-879-3966

The significant buildings, structures and other improvements shown hereon are in their approximate relationship to the apparent property lines reflected in the deed. Accuracy of measurements shown to the apparent property lines is plus or minus one foot unless otherwise noted.

The plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.

The plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.

The plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.

**LOCATION DRAWING**

**1.41 Ac± Parcel of Land**  
Known As  
**#1720 Trappe Church Rd.**  
Deed 428 / 453  
5<sup>th</sup> Elec. Dist. Harford Co., Md.

Scale 1" = 50' Date 11-18-2004  
File L-092-04

DAVID R. CRAIG  
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO  
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

### Department of Planning and Zoning

July 5, 2006

### STAFF REPORT

### BOARD OF APPEALS CASE NO. 5552

APPLICANT/OWNER: Richard Hanna  
719 Chestnut Hill Road, Forest Hill, Maryland 21050

Co-APPLICANT: Jennifer Mainster  
719 Chestnut Hill Road, Forest Hill, Maryland 21050

REPRESENTATIVE: Michael E. Leaf, Esquire  
112 South Main Street, Suite 102, Bel Air, Maryland 21014

LOCATION: 1720 Trappe Church Road, Darlington, Maryland 21034  
Tax Map: 27 / Grid: 2F / Parcel: 60  
Election District: Five (5)

ACREAGE: 1.41 acres

ZONING: AG/Agricultural

DATE FILED: June 7, 2006

HEARING DATE: August 2, 2006

### APPLICANT'S REQUEST and JUSTIFICATION:

#### Request:

"Variance from Table II to allow addition to house and garage to encroach within 50 foot rear yard setback; proposed setback will be approximately 24 feet."

*Preserving Harford's past; promoting Harford's future*

## STAFF REPORT

Board of Appeals Case Number 5552

Richard Hanna and Jennifer Mainster

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### Justification:

“Due to unique location and structure which is over 150 years old, strict enforcement of setback would prevent construction of addition and garage. It is not practical to acquire adjoining property due to Ag Preservation Easement. Not feasible to construct elsewhere because of existing structure. Lot and structure predated 1957 zoning.”

### **CODE REQUIREMENTS:**

The Applicants are requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code to permit an addition to encroach the 50 Foot rear yard setback (24 foot setback proposed) in the AG/Agricultural District.

Enclosed with the report is a copy of Section 267-34C, Table II of the Harford County Code (Attachment 1).

### **LAND USE and ZONING ANALYSIS:**

#### Land Use – Master Plan:

The Applicant's property is located in the north east area of the County. The property is situated east of Priestford Road on the north side of Trappe Church Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located outside of the Development Envelope. The primary land use is Agricultural. The Natural Features Map reflects Deer Creek Scenic River District, Sensitive Species Project Review Areas, Rural Legacy Areas, Habitats of Local Significance, and Agricultural Preservation Districts and Easements. The subject property is designated as Agricultural which is defined by the 2004 Master Plan as:

***Agricultural** – Areas where agriculture is the primary land use, but where developments rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry of residents of the area while maintaining the character of the surrounding countryside.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

#### Land Use – Existing:

The existing land uses in the area conform to the intent of the Master Plan. The predominant land uses are Agriculture and single family residential. The topography of the area ranges from rolling to steep especially near the stream valleys and there many tributaries. Enclosed with the

## STAFF REPORT

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Richard Hanna and Jennifer Mainster

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report is a copy of the topography map and a copy of the aerial photograph (Attachments 6 and 7).

The subject lot is a long narrow lot approximately 1.41 acres in size located on the north side of Trappe Church Road. The lot contains large mature trees that almost fully screen the improvements from the road. The topography slopes up from the road to the rear of the lot with an elevation difference of approximately 25 feet. The improvements consist of a dwelling and garage which are located to the right rear corner of the property. The dwelling was built approximately 150 years ago. The lot was surveyed in January of 1955 (Attachment 8). The location of the dwelling does not meet the rear yard requirements and is considered non-conforming. The original portion of the existing dwelling is a 2 ½ story stone dwelling with a recently constructed 2 story frame addition (see listing of permits-Attachment 9). Attached to the rear left corner of the dwelling is a one story 2-car garage with a paved parking area. The well is located to the rear of the dwelling and the septic system to the front. The land immediately adjoining to the rear is densely wooded and the property is in the County's Agricultural Preservation Easement Program. The property to the right contains a single family dwelling with a garage and other accessory structures. Enclosed with the report are copies of site photographs along with an enlargement of the aerial photograph (Attachments 10 and 11).

### Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification in this area of the County is AG/Agricultural, which includes the subject property. Enclosed is a copy of the Zoning Map (Attachment 12).

### SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code to permit an addition to encroach the 50 Foot rear yard setback (24 foot setback proposed) in the AG/Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The subject property was created prior to 1957 and the original dwelling is approximately 150 years old. The existing dwelling is nonconforming to the rear setback requirements. The land to the rear of the lot is in the agricultural preservation program and contains mature forest in the area adjacent to the proposed addition. The septic system is located to the front of the dwelling. The proposed location of the

STAFF REPORT

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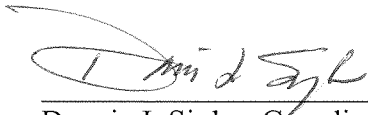
Richard Hanna and Jennifer Mainster

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addition is the only practical area. Enclosed is a sketch of the proposed additions (Attachment 13).

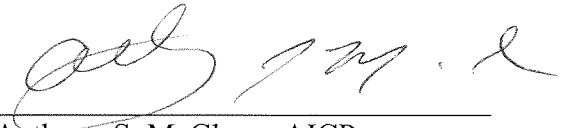
**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the requested variance be approved subject to the applicants obtaining all necessary permits and inspection for the construction of the additions.



Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

DJS/ASM/jf



Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning